

**Amendment No. 2 to HJR1103**

**Kilby  
Signature of Sponsor**

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND**

**House Joint Resolution No. 1103\***

by deleting all language after the second whereas clause and by substituting instead the following language:

WHEREAS, for the past 100 years the pulp and paper mill in Canton, North Carolina, has discharged industrial pollutants into the Pigeon River causing the fish in the river to be unsafe and unpalatable for consumption for many years; and

WHEREAS, during the summer and fall of 2007, Tennessee's water quality standard for color was violated in the Pigeon River near the border with North Carolina on a large number of occasions and many people complained about the condition of the water; and

WHEREAS, the contested case filed by the State of Tennessee (December 13, 1996), resulting in the Settlement Agreement of 1998 between Tennessee, North Carolina, Cocke County, City of Newport, Tennessee Environmental Council, American Canoe Association and Champion International Corporation, specifies that all parties are committed to "attaining further reductions in color in the river, at the quickest possible pace"; and

WHEREAS, the mill is now operated by Blue Ridge Paper Products (Blue Ridge); and

WHEREAS, that settlement agreement also established a process by which the United States Environmental Protection Agency (EPA) and the states of Tennessee and North Carolina participate in a "Technical Review Workgroup" that, after a review by EPA's Technology Team of what new technology has been developed in the pulp and paper industry each time the permit of the pulp and paper mill in Canton comes up for renewal, determines what further improvements can be most readily implemented by the mill and recommends that North Carolina incorporate those changes into the new permit; and

WHEREAS, the EPA has participated in and provided support for the Technology Team and the Technical Review Workgroup; and

WHEREAS, the Technical Review Workgroup has recently recommended that a set of additional changes for implementation by Blue Ridge be reflected in the permit to be proposed soon by the North Carolina Division of Water Quality and the North Carolina Environmental Management Commission; and

WHEREAS, the authority of regulatory agencies to improve water quality and require compliance with all narrative standards established under the Clean Water Act by limiting the massive pulp production that adversely impacts this small mountain river is well-established; and

WHEREAS, it is the responsibility of the government and all citizens of the State of Tennessee to ensure clean water for future generations to be used for drinking, recreation, fisheries and environmentally responsible economic development; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED FIFTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, that the North Carolina Division of Water Quality is requested to hold public hearings regarding the renewal of the Blue Ridge NPDES permit in Waynesville or Canton, North Carolina and Newport, Tennessee; and

BE IT FURTHER RESOLVED, that the North Carolina Division of Water Quality and the North Carolina Environmental Management Commission fully adopt the recommendations of the Technical Review Workgroup and incorporate those recommendations that at a minimum ensure improved water quality into the new permit for Blue Ridge; and

BE IT FURTHER RESOLVED, that the U.S. Environmental Protection Agency is urged to continue to participate in and provide support for the Technology Team and the Technical Review Workgroup; and

BE IT FURTHER RESOLVED, that all appropriate agencies of the state are requested to use any and all necessary authority to negotiate that the upcoming renewal and further renewals of the Canton mill NPDES permit include obligations to implement additional pollution prevention technologies and management practices that will result in water quality improvements in all future permitting cycles; and

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to the North Carolina Division of Water Quality, the North Carolina Environmental Management Commission, the Region IV of the United States Environmental Protection Agency in Atlanta, Georgia, the United States Environmental Protection Agency in Washington, D.C., and the Honorable Phil Bredesen, Governor of Tennessee.